Remarks:

The information disclosure statement filed June 9, 2005 failed to comply with 37 C.F.R. § 1.98(a)(2) because the item listed in the "Non Patent Literature Documents" section of PTO-1449 was not supplied. A copy of the item is supplied herewith.

Figure 3 was objected to because reference characters were missing or cut-off. A corrected drawing sheet is supplied herewith.

The abstract of the disclosure was objected to because "ech" is not a word. The Applicants have corrected this misspelling along with two others. Applicants submit that no new matter has been added because these were corrections were obvious.

The specification was objected to because of informalities. Applicants have removed the informalities.

The above amendment to the claims has been made to put the application in better condition for examination. No new matter has been added.

Claim 9 was objected to because the limitation the light source lacked antecedent basis. Claim 9 has been amended to recite "a light source."

Claims 1-3, 5, 8-9, 15-18, 21-23 and 24 were rejected under 102(b) as being anticipated by Voie et al. With respect to claim 1, from which claims 2-15 depend, claim 1 has been amended to further recite "and the mobile arrangement has at least one rotational axis corresponding substantially to the direction of gravity." This is disclosed in the originally filed claim 10 which has been amended accordingly and on page 6, line 26 to line 34. Voie et al. does not disclose a rotational axis corresponding substantially to the direction of gravity. In contrast, Voie et al. describe a rotational axis being arranged along the y-axis. It is an advantage of the present invention that during movement or rotation of

the sample around the rotational axis no deformation caused by gravitational force can occur as orientation of the sample with respect to the direction of the gravitational force does not change during rotation.

With respect to claim 16, from which claims 17-23 depend, claim 16 recites a linear object illumination area extending in the direction of an illumination axis of the illumination beam path. In contrast, Voie et al. discloses a planar illumination region. (Pg 230, left hand column). A planar illumination region is two dimensional, whereas a linear object illumination area is essentially a one-dimensional illumination region.

Claims 4, 19 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Voie et al. in view of Horikawa, U.S. Patent 4,893,008. With respect to claim 4, this claim depends from claim 1, which recites that the mobile arrangement has at least one rotational axis corresponding substantially to the direction of gravity. As described above, this is not disclosed or suggested by Voie et al. Horikawa fails to cure this deficiency, at the least because Horikawa fails to disclose a rotational axis corresponding substantially to the direction of gravity.

With respect to claims 19 and 20, these claims depend from claim 16, which recites a linear object illumination area extending in the direction of an illumination axis of the illumination beam path. As described above, this is not disclosed or suggested by Voie et al. Horikawa fails to cure this deficiency, at the least because Horikawa teaches two dimensional scanning. "The light spot deflected by the galvanometer mirror 35 passes through the pupil projection lens 36 and constitutes two-dimensional scanning 44 in the image plane of the imaging lens 37. Finally, the light spot passes through the objective 38 and scans the specimen 39 two-dimensionally." (Horikawa, col.4, l.65 – col.5, l.3.) Thus,

the combination of Voie et al. and Horikawa fails to disclose or suggest a linear object illumination area extending in the direction of an illumination axis of the illumination beam path.

Claims 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Voie et al. in view of Horikawa and further in view of Lee, U.S. Patent Publication 2002/0163717 A1. With respect to claims 6 and 7, these claims depend from claim 1, which recites that the mobile arrangement has at least one rotational axis corresponding substantially to the direction of gravity. As described above, this is not disclosed or suggested by Voie et al and Horikawa. Lee fails to cure this deficiency, at the least because Lee discloses only linear movement (Lee, paragraph [0042]).

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Voie et al. in view of Van Eijk et al., U.S. Patent 4,746,800. With respect to claim 10, this claim depends from claim 1, which recites that the mobile arrangement has at least one rotational axis corresponding substantially to the direction of gravity. As described above, this is not disclosed or suggested by Voie et al. Van Eijk et al. cannot be combined with Voie et al. to cure this deficiency, at the least because Van Eijk et al. is in a different art, namely lithography for computer chips (Van Eijk, col.3, ll.24-25. Additionally, ASM Lithography, the assignee is a world leader in manufacturing systems for semiconductors). Additionally, the term "object" in Van Eijk refers to a semiconductor wafer, not an object to be studied.

Claims 11-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Voie et al. in view of Stelzer et al., DE 4326473 A1. With respect to claims 11-13, these claims depend from claim 1, which recites that the mobile arrangement has at least one rotational axis corresponding substantially to the direction of gravity. As described above,

this is not disclosed or suggested by Voie et al. On information and belief, Stelzer fails to cure this deficiency because Stelzer discloses a stationary system.

Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Voie et al. in view of Palcic et al., U.S. Patent 4,700,298. With respect to claim 14, this claim depends from claim 1, which recites that the mobile arrangement has at least one rotational axis corresponding substantially to the direction of gravity. As described above, this is not disclosed or suggested by Voie et al. Palcic et al. fails to cure this deficiency, at the least because Palcic does not teach rotation.

New claims 25-43 have been added, support for which can be found generally at pages 5-9. Claim 25, from which claims 26-41 depend, is believed to be patentable in view of the prior art because the prior art does not teach or suggest all of the features of claim 25, such as, for example, that the object is mounted on a holder, the holder being movable within a sample chamber.

Claims 42 and 43 depend from claim 1, and are therefore patentable for at least the reasons given above.

In view of the above, all objections and rejections have been sufficiently addressed. Applicant respectfully submits that the application is now in condition for allowance and requests that this application pass to issue.

In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

Respectfully submitted,

By 

David B. Orange
Agent for Applicant
Registration No. 55,513
ROTHWELL, FIGG, ERNST & MANBECK
1425 K. Street, Suite 800
Washington, D.C. 20005
Telephone: (202) 783-6040

#1395931